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ILLINOIS COMMERCE COMMISSION  
STATE OF ILLINOIS

COUNTY OF C O O K )

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ILLINOIS COMMERCE COMMISSION

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COMMERCE COMMISSION

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CHIEF CLERK'S OFFICE

THE DEPARTMENT OF TRANSPORTATION  
OF THE STATE OF ILLINOIS, for an on behalf  
of the People of the State of Illinois,

- Petitioner

vs.

NATURAL GAS PIPELINE COMPANY OF  
AMERICA, a Delaware corporation, f/k/a  
CHICAGO DISTRICT PIPELINE COMPANY, an  
Illinois corporation; KINDER MORGAN, INC. a  
Delaware Corporation; and

UNKNOWN OWNERS

- Respondents

Petition for approval of the taking or damaging  
of certain properties owned by a public utility in  
Cook County, Illinois by exercising the right of  
eminent domain

Docket No.

03-0734

Parcel No. OED0256PE-A

Parcel No. OED0256PE-B

Parcel No. OED0256PE-C

R-90-010-01

**PETITION FOR APPROVAL TO TAKE PROPERTY**

TO THE ILLINOIS COMMERCE COMMISSION:

Petitioner, THE DEPARTMENT OF TRANSPORTATION of the State of Illinois, a  
Department of the State Government of Illinois, by LISA MADIGAN, Attorney General of the State  
of Illinois, and Douglas G. Felder, Special Assistant Attorney General, pursuant to Section 102 of  
the Eminent Domain Act of Illinois (735 ILCS 5/7-102), requests approval of the Illinois Commerce  
Commission for the taking and/or damaging of certain properties owned by NATURAL GAS

PIPELINE COMPANY OF AMERICA, a Delaware corporation f/k/a CHICAGO DISTRICT PIPELINE COMPANY, an Illinois corporation, its successors and/or assigns, and KINDER MORGAN, INC., a Delaware Corporation (the "Utility"), a public utility subject to the jurisdiction of the ILLINOIS COMMERCE COMMISSION.

1. Under Articles 2 and 4 of the Illinois Highway Code, (605 ILCS 5/2-101; 5/2-220; and, §§5/4-101 through 5/4-512, 2002), Petitioner is engaged in a project to widen, resurface and improve F.A.I. 80 (I-80/94) in Cook County.

2. Under the Illinois Highway Code, F.A.I. 80 (I-80/94) in Cook County is a part of and included in the State Highway System.

3. Section 4-501 of the said Illinois Highway Code (605 ILCS 5/4-501, 2002) provides:

"The Department, or its name, or any county may acquire the fee simple title, or such lesser interest as may be desired, to any land, rights or other property necessary for the construction, maintenance or operation of State highways, or necessary for locating, relocating, extending, widening or straightening any State highway, or necessary for locating, relocating, extending, widening or straightening an existing street or for laying out, establishing or opening a new street within the corporate limits of any municipality which has been designated by the Department as a street to form a part of or to connect with a State highway leading up to the corporate limits of such municipality, or necessary for any other purpose or use contemplated by this Code by purchase or by the exercise of the right of eminent domain under the eminent domain laws of this State and the Department shall not be required, in any case, to furnish bond."

4. The project to widen, resurface and improve F.A.I. 80 (I-80/94) in Cook County constitutes a public purpose, namely construction and improvement of the roadway, structures and intersections at or adjacent to F.A.I. 80 (I-80/94) in Cook County.

5. The Utility is subject to the jurisdiction of the Commission.

6. The Utility is title holder to certain real property, said property being located in Cook County, the legal description of which is attached hereto and marked as Exhibit A. This real

property is located at or adjacent to F.A.I. 80 (I-80/94) in Cook County and the Petitioner has deemed it necessary to improve the structures and intersections at F.A.I. 80 (I-80/94) in Cook County, and improve vehicular traffic and safety of the motoring public. A copy of the Department's Plat of Highways depicting the property sought to be acquired by the Petitioner is shown on Exhibit B attached hereto.

7. Petitioner has been authorized to acquire permanent easements for highway and related purposes to Parcel No. OED0256PE-A, B & C legally described in Exhibit A, and it is necessary for Petitioner to acquire said property for the above-described highway construction and improvement of the structures at F.A.I. 80 (I-80/94) in Cook County for the use of the People of the State of Illinois.

8. The terms of the compensation to be paid by the Petitioner for the property hereinafter described cannot be agreed upon between the Petitioner and the respondent although Petitioner has attempted to effect such an agreement, or the Petitioner has otherwise been unable to acquire by negotiation the property needed for this project. Petitioner, therefore, is authorized and desires to proceed to acquire the property under the eminent domain laws of this State.

9. Section 7-102 of the Code of Civil Procedure (735 ILCS 5/7-102) requires Petitioner, in the absence of agreement, to obtain approval of the Commission prior to the taking or damaging of the Utility's property described in Exhibit A.

WHEREFORE, Petitioner, THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, requests the Commission to approve the taking and/or damaging of the

above-described real property of the Utility by the exercise of the right of eminent domain.

THE DEPARTMENT OF TRANSPORTATION  
OF THE STATE OF ILLINOIS, for and  
on behalf of the People of the State of Illinois

By: LISA MADIGAN  
Attorney General of Illinois

By: Douglas G. Felder  
Douglas G. Felder  
Special Assistant Attorney General

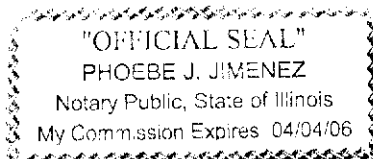
STATE OF ILLINOIS       )  
                                      ) SS  
COUNTY OF C O O K    )

I, Douglas G. Felder, being first duly sworn, upon oath, depose and say that I am a Special Assistant Attorney General for the State of Illinois, that I have read the above and foregoing Petition by me subscribed, I have knowledge of the contents thereof, and that on information and belief said contents are true and correct.

Douglas G. Felder  
Douglas G. Felder

SUBSCRIBED and SWORN  
to before me this 21<sup>st</sup> day of  
November 2003

Phoebe J. Jimenez  
Notary Public



**AFFIDAVIT OF SERVICE**

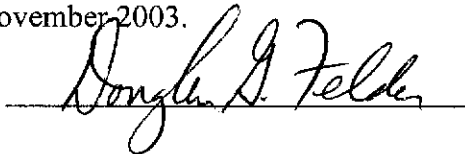
I, Douglas G. Felder, an attorney, certify that I served the foregoing Petition upon the following addresses at their respective addresses set forth:

**VIA CERTIFIED MAIL AND U.S. MAIL**

Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62701  
Elizabeth A. Rolando, Chief Clerk  
(original and three copies)

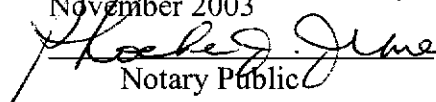
Natural Gas Pipeline of America, a Delaware corporation  
c/o Registered Agent: Prentice-Hall Corporation  
33 North LaSalle Street  
Chicago, IL 60602

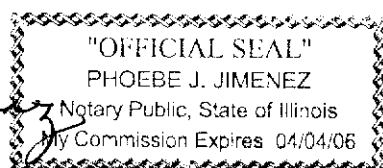
by enclosing a copy of said Petition, together with Exhibits A and B to said Petition, in an envelope correctly addressed with sufficient first class postage affixed thereto, sealed and deposited said envelopes in the U.S. Mail Chute at 20 South Clark Street, Chicago, Illinois, before 5:00 p.m. on the 21<sup>st</sup> day of November 2003.



SUBSCRIBED and SWORN

to before me this 21<sup>st</sup> day of  
November 2003

  
Notary Public



Douglas G. Felder  
Douglas G. Felder, P.C.  
Special Assistant Attorney General  
20 South Clark Street  
Suite 2000  
Chicago, Illinois 60603  
312/634-3509